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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION THREE

In re JOSE C., a Person Coming
Under the Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

JOSE C.,

Defendant and Appellant.

A165110

(Contra Costa County
Super. Ct. No. J1900972)

Jose C. appeals a restitution order entered against him after he was adjudged a ward of the juvenile court for committing murder. (Welf. & Inst. Code, § 602; statutory references are to this code unless otherwise indicated.) Jose contends the order, which requires him to pay \$16,850 to the family of his surviving victim, includes some economic losses that are not compensable and some that are not proven by sufficient evidence. We affirm the order.

BACKGROUND¹

I. Facts Giving Rise to the Wardship Petition

On the evening of November 5, 2019, Antioch police received a report of a shooting incident involving two juvenile victims, David M. and Alicia V. Subsequently, officers were directed to Kaiser Hospital, where David had transported Alicia. Alicia suffered a gunshot wound to the back of her head and was soon pronounced dead. David was admitted for treatment of a gunshot wound to his shoulder. At the hospital entrance, police found David's car, with five bullet holes in the rear passenger side of the vehicle. At the crime scene, officers recovered four spent shell casings scattered in the area. Before interviewing David at the hospital, the officers also determined there were two prior cases involving these victims. One involved a fight between Alicia and another juvenile, Jade M. The other involved an incident when David had been followed home and confronted by an individual.

David reported that earlier that day, Alicia received a Snapchat message from someone who went by the name “‘Juju,’ ” asking to buy a marijuana “pre-roll” valued at approximately \$10. Juju was an acquaintance of Jade, who used to be close friends with Alicia before they had a fight. David told the officers that the fight happened because Jade accused David of cheating on Alicia and that Jade had once arranged for someone to follow David home. David reported that he drove Alicia to a meeting location selected by Juju, where two males were standing in the street. David thought he recognized one of them as Jose, the person who had previously followed him home at Jade's behest. The other guy, Juju, approached the passenger side of David's car and tried to open the door behind Alicia, which

¹ Because Jose did not contest jurisdiction, we take our background facts from the disposition report.

was locked. Juju said he wanted the pre-roll, and David asked for money. Juju did not say anything more, but he had a gun. When David heard the gun click, he drove away, but as he did so, Juju shot Alicia.

David provided a physical description of both assailants and reported that he and Jose had been in a class together the previous year, when they attended the same high school. Regarding the prior incident, Jose and another person had followed David from the school to David's home. When Jose got out of the other car, David asked if Jose was going to "jump" him, and Jose responded by asking the same question of David. Then the driver of the other car picked Jose up and they drove away.

Police interviewed Alicia's older brother and guardian, Eric A. He reported that their mother had died the previous month and Alicia was selling marijuana to help the family financially. When asked if Alicia had complained about feeling unsafe or being followed, Eric immediately referenced the fight with Jade. In the aftermath of the fight, a suspicious vehicle parked outside their home on several occasions and Alicia received threatening messages from associates of Jade. Eric said the girls had fought because Jade was " 'talking shit' " about David.

The day after the shooting, detectives assigned to the case were contacted by the school resources officer at Freedom High School, where Jose and Jade were students. The officer reported that a teacher saw Jose and his brother the previous day near the crime scene shortly before Alicia and David were shot. When detectives arrived at the school, they interviewed Jade because another teacher reported that she was overcome with emotion and had information about the shooting. Jade described Jose as a close friend who wanted to be more than that. Early that morning, Jose had contacted Jade by text and said he thought Alicia could be dead, and, as the

conversation continued, Jose provided more details. He said that he and Juju had planned to rob David, but when Juju asked to see pills, David refused. And when Juju pulled a gun, David drove away, which caused Juju's arm to get caught in the open window. Jose responded by pulling out his gun and shooting through the rear window of David's car.

Officers interviewed two of Jose's teachers. The teacher who had seen Jose near the crime scene had known Jose since Jose was in middle school. He reported that Jose was respectful but had been in fights with other students and associated himself with the Norteño street gang. When the teacher talked with Jose earlier that day, Jose referenced the fact that the two had seen each other the previous day, and said he had been on his way to give someone a haircut. But the previous day, Jose had told the teacher he was on his way home to his grandmother's house, which the teacher remembered because Jose's home was actually in the opposite direction. Another of Jose's teachers reported that Jose had told him that the shooting happened outside his grandmother's home and that Jose was afraid he would be blamed because he had to grab his gun.

Jose was located at the school, taken into custody, and interviewed at the police station. Meanwhile David selected Jose's picture from a photo lineup. Detectives also obtained a warrant for Jose's phone, which they unlocked using a password commonly used by individuals who associate themselves with the Norteño gang. The phone contained incriminating text messages and location information, indicating that Jose and Juju planned to commit an armed robbery, and showing that Jose's phone was in the vicinity when Alicia and David were shot.

During his police interview, Jose acknowledged understanding his rights and said he would talk, but claimed to know nothing about the

shooting because he was not there. As the interview progressed, Jose changed his story and made incriminating statements. He admitted that he knew Alicia's boyfriend was David and that he had been to David's house, explaining that he went there because David had "been doing some 'foul stuff,' and had put hands on . . . Jade." Jose described how he had followed David home one day and warned him not to put his hands on women.

After repeatedly stating that he was not involved in the incident, Jose eventually admitted that he was there. When asked what " 'caused [him] to act,' " Jose responded that David " 'reached,' " but he continued to deny being the shooter. He said that it was his idea to buy marijuana from Alicia, and after he saw David " 'reach,' " there were six or seven gunshots. Jose denied shooting but would not identify Juju as the shooter, claiming not to know. However, at a later point in the interview, Jose said he was angry with Juju for shooting an innocent person. Jose stated he did not know the whereabouts of the gun, but later added, " '[t]he gun is mine not his.' "

While Jose was being interviewed, police conducted surveillance at Jose's home and stopped two cars as they left the residence. In the trunk of one car driven by Jose's older brother Roberto, police found approximately 15 firearms. In the second car driven by Jose's grandmother, police found approximately \$120,000 cash. Officers interviewed Roberto, who reported that he had driven home after he heard from another brother that Jose was being arrested but had not done anything. Roberto said he had not had time to learn the details, and explained that he was moving firearms out of his home to prepare for a construction project. Roberto confirmed that Jose had a friend named Juju and said he had heard that Juju's family were Norteño gang members. Roberto admitted that he had friends who were Norteño and

acknowledged that Jose's high school believed the family was associated with that gang, but he denied the association.

On November 7, 2019, Jade was reinterviewed after her mother contacted the police. Jade reported that Jose told her that he knew that when he shot his gun through the car's rear window he hit Alicia, but he said he was only trying to help Juju. Jose told Jade that Juju and Jose's brother had run away afterwards, but he calmly returned to his grandmother's home and hid the gun in an air vent. During a subsequent search, police found a vent in Jose's bedroom that was partially unscrewed, a chair under the vent, and a screwdriver on the dresser.

On November 8, 2019, a detective followed up with David about the statement David gave on the night of the shooting. David clarified that Jose was standing behind the car on the passenger side. David did not see Jose with a gun, but he saw Juju pull out a gun. He did not see where Juju's gun was pointed and did not know if Juju shot the gun because as soon as he saw it, he drove off.

II. The Wardship Proceedings

The Contra Costa County District Attorney filed a petition alleging Jose came within the juvenile court's wardship jurisdiction due to his commission of two felony offenses: murder with malice aforethought (Pen. Code, § 187, subd. (a)), and attempted second degree robbery (*id.* at §§ 211 & 212.5, subd. (c)). The petition contained enhancement allegations for felony murder (*id.* at § 190.2, subd. (a)(17)) and use of a firearm causing great bodily injury (*id.* at §§ 12022.53, 246, 12034, subds. (c)–(d)). The same day the wardship petition was filed, the People filed a motion to transfer Jose's case to adult court. After Jose was detained, a hearing on the transfer motion was continued several times, while the probation department prepared a transfer

report and the parties conducted discovery. In February 2021, the matter was continued again to give Jose time to consider a plea offer.

On March 17, 2021, several pending matters were resolved at a pretrial hearing. Jose submitted a waiver of rights and entered a plea of no contest to an amended charge that he committed second degree murder. The allegation that Jose acted with malice aforethought was stricken, along with the enhancement allegations and second charge, and the People withdrew their transfer motion. All parties stipulated to jurisdiction and the matter was continued for disposition.

The disposition hearing was held on April 26, 2021. The probation department reported that the victims' families were disappointed the case was not handled in adult court because they were sure the shootings were deliberate, and part of an ongoing campaign against Alicia and her boyfriend. David's mother, Lisa K., submitted a victim impact statement, seeking victim restitution to compensate the family for the cost of replacing David's vehicle, moving expenses and rent paid to relocate David to a safe place, and Lisa's lost wages. She reported that, for several months prior to the shooting, David and Alicia were subject to threats and harassment instigated by Jade and carried out by Jose and his associates. David was devastated by the shooting incident, which Lisa described as an ambush. He had become a heavy user of marijuana as a way to deal with the trauma and fear that he was still a target. The family moved David to a safe location because they feared for David's life.

The probation department recommended that "Jose needs to be held accountable for his actions leading to the tragic death of Alicia [V.], while being provided necessary and intensive rehabilitative services in a secure environment for the safety of the community." An indefinite wardship was

proposed with a commitment to the Division of Juvenile Justice (DJJ), where Jose could obtain a comprehensive treatment plan. Pursuant to a DJJ commitment, the court would retain jurisdiction until Jose turned 25, which would enable the department to supervise Jose's reintegration into the community.

The court declared Jose an indefinite ward of the court, and committed him to the DJJ for a maximum confinement of 15 years. In reaching this disposition, the court found, among other things, that the shootings were a "planned and coordinated event," and that Jose and his coresponsible "lured" Alicia and David to a cul-de-sac, where one of them opened fire, killing Alicia and injuring David. The offense was "of great severity, obviously," the court found, as it took the life of a young woman and not only wounded her boyfriend but caused long-term psychological injuries. The court ordered that Jose, Julian M. (Juju), and their families were jointly and severally liable for restitution to Alicia's brother Eric, and to David and his mother, Lisa K. Another provision of the order precludes Jose from knowingly associating with anyone who is a gang member or is associated with a gang.

III. Victim Restitution Proceedings

A restitution hearing was set for June 2021. The probation officer submitted a memorandum reporting that "both victims were denied funding via the Victim Compensation Board" because they were allegedly involved in criminal activity when they were shot. The department had attempted unsuccessfully to contact Alicia's brother, Eric. David's mother had submitted a claim on behalf of David requesting direct victim restitution in the amount of \$12,900. Lisa K.'s victim impact statement outlined the many ways David had been emotionally and physically impacted by Jose's conduct,

and itemized his financial expenses. The department recommended the court set restitution for David in the requested amount.

The restitution hearing was continued several times for reasons not made clear by the record. In August 2021, the department reported that it had reached out to both victims again but was still unable to make contact with Alicia's brother. Lisa K. had requested a restitution reevaluation and submitted supporting documentation. Accordingly, the department recommended victim restitution for David be set at \$17,029.

The restitution hearing was held on September 29 and December 1, 2021. The department submitted an updated report, which outlined unsuccessful efforts to contact Alicia's family and recommended the court reserve the issue of restitution as to her. The department also resubmitted documentation supporting the recommendation to set restitution for David at \$17,029. The matter was continued to February 14, 2022, for a contested hearing.

At the contested hearing, the court admitted the department's updated report into evidence and heard testimony from Lisa K. She testified that after Alicia's murder, David's family moved him to a secure location because they were afraid of retaliation. David's assailants knew where he lived because they had followed him home on a prior occasion. David himself feared retaliation and asked to be moved, and Lisa arranged the move in order to protect her son. Lisa testified about specific expenses her family incurred due to Jose's offense, including the loss of David's car because repairing the damage would have cost more than its estimated worth, between \$1,500 and \$2,500. They also incurred \$1,000 for moving expenses, and paid \$650 per month for rent for David to live in an undisclosed location for the 19 month period before he was able to go to college. Lisa paid David's

rent to the property owner but she listed David's name on her monthly payment receipts because she did not want to disclose where David was living. Lisa also sought \$2,000 to compensate the family for Lisa's lost wages over a two year period when she had to take time off for court hearings, doctor appointments, and counseling. At the conclusion of the hearing, the matter was submitted, with an order to follow.

An order filed April 1, 2022, requires Jose to pay restitution to Lisa K. in the total amount of \$16,850, and reserves jurisdiction over restitution as to additional expenses incurred by David and claims by Alicia's family. In the order, the juvenile court stated that it "fully" credited Lisa K.'s testimony, and separately addressed distinct components of the restitution order: \$1,500 for damage to David's car; \$1,000 for expenses "to move David as a result of the murder and the resulting danger to David's safety"; \$12,350 for rental expenses for "19 months to move David to a safe location as a result of the murder and the resulting danger to David's safety"; and \$2,000 for wages from Lisa's employment that she lost due to time she had to take off from work to attend hearings, appointments and other matters necessitated by the trauma and injuries that David suffered.

DISCUSSION

Restitution orders are subject to review on appeal for an abuse of discretion. (*In re Travis J.* (2013) 222 Cal.App.4th 187, 202.) No abuse of discretion will be found if there is a factual and rational basis for the amount of restitution ordered. (*Ibid.*) But the "court abuses its discretion when it acts contrary to law [citation] or fails to "use a rational method that could reasonably be said to make the victim whole, and [it] may not make an order which is arbitrary or capricious." ' " (*Id.* at pp. 202–203.) When "the gist of the appellant's argument is that the evidence before the trial court was

insufficient to establish the amount awarded, we review for substantial evidence.” (*Id.* at p. 203.)

I. David’s Relocation Expenses Are Compensable

Jose contends the juvenile court abused its discretion by ordering Jose to pay restitution for David’s relocation expenses without proof that relocating David for 19 months was necessary to protect his safety.

Section 730.6 “governs restitution in cases where a minor is adjudicated a ward of the court pursuant to section 602.” (*In re M.W.* (2008) 169 Cal.App.4th 1, 4 (*M.W.*)). Under this statute, “a victim of conduct for which a minor is found to be a person described in Section 602 who incurs an economic loss as a result of the minor’s conduct *shall* receive restitution directly from that minor.” (§ 730.6, subd. (a)(1), italics added.) To determine whether an economic loss incurred by the victim was caused by the minor’s conduct, courts apply a substantial factor standard. (*In re S.E.* (2020) 46 Cal.App.5th 795, 804–805 (*S.E.*)). “[S]o long as the minor’s conduct was a substantial factor in causing the economic loss incurred by the victim or victims, it need not have been the sole cause of that loss.” (*Ibid.*; see also *In re A.M.* (2009) 173 Cal.App.4th 668, 673.)

We conclude the juvenile court did not abuse its discretion in finding that the murder committed by Jose was a substantial factor in causing the economic loss incurred by David’s family to relocate him to a secure location. Probation department reports summarizing the police investigation of Alicia’s murder and the evidence against Jose establish a nexus between the murder and the ongoing campaign by Jade and her friends to target and injure these victims. The reports also show that Jose and Juju both had connections to gangs, and that Jose’s family had ready access to an arsenal of firearms and a large stash of cash. Moreover, Jose admitted knowing where David lived

prior to the murder and that he followed David to that home in order to intimidate him.

Jose argues there is no justification for requiring him to pay relocation expenses because Jose was taken into custody the day after the murder and thus posed no threat to David. Alternatively, he argues that even if relocation was justified as an initial matter, there is no justification for requiring him to pay for 19 months of David's rent when there is no evidence David received any threats during that entire period.

But the pertinent inquiry is whether the murder was a substantial factor in causing economic loss, not whether Jose's surviving victim can prove that he was subjected to additional threats after the murder occurred. Even if there were no subsequent threats, this fact is of limited use to Jose since the outcome may have been different if David had not spent those months living in a secure location, isolated from family and friends, precisely because of the danger of further retaliation. In this regard, Jose overlooks evidence showing that Jose did not act alone in targeting David and Alicia, but along with Jade and others who were not in custody. Jose's family connections to gangs and possible involvement in criminal activity created an additional risk of retaliation for Jose's current predicament.

II. Penal Code Section 1202.4, Subdivision (f)

Jose contends he cannot be required to pay David's relocation expenses because "law enforcement" did not verify that relocation was necessary for David's personal safety. According to Jose, this verification was required by Penal Code section 1202.4, subdivision (f) (Penal Code section 1202.4(f)).

Penal Code section 1202.4(f) codifies the general rule in adult criminal matters that the court shall order full restitution to a victim who has suffered economic loss as a result of the defendant's conduct. (Pen. Code,

§ 1202.4(f)(3).) One of a dozen statutory examples of specific types of recoverable expenses is for “[e]xpenses incurred by an adult victim in relocating away from the defendant, including, but not limited to, deposits for utilities and telephone service, deposits for rental housing, temporary lodging and food expenses, clothing, and personal items.” (Pen. Code,

§ 1202.4(f)(3)(I).) Expenses recoverable under this provision “shall be verified by law enforcement to be necessary for the personal safety of the victim or by a mental health treatment provider to be necessary for the emotional well-being of the victim.” (*Ibid.*)

The juvenile court found that this verification requirement does not apply in Jose’s case. We agree. First, “[b]y its own terms, [Penal Code] section 1202.4(f)(3)(I)’s verification requirement applies when an adult victim incurs expenses to relocate away from a defendant.” (*People v. Baudoin* (2022) 85 Cal.App.5th 1184, 1192.) The victim in this case was not an adult, but a teenager who was forced to leave his family home in order to relocate because he and Alicia had been targeted by Jose and Jade, and Alicia had been murdered. Moreover, David was not relocating away from Jose per se but also from his associates.

Second, while Penal Code section 1202.4 governs adult restitution, section 730.6 “governs restitution in cases where a minor is adjudicated a ward of the court pursuant to section 602.” (*M.W.*, *supra*, 169 Cal.App.4th at p. 4.) Both statutes serve parallel functions of assuring that all victims of crime who suffer direct economic loss are fully compensated, as mandated by article 1, section 28, subdivision (b) of the California Constitution. (*M.W.*, at p. 4) But there are obvious differences. For one thing, the juvenile restitution statute contains far fewer examples of categories of recoverable expenses while making it clear that victims should be afforded *full* economic

restitution, to the extent possible. More to the point of this case, section 730.6 is different from Penal Code section 1202.4 in that it does not require that any recoverable expense must be verified by law enforcement or a mental health provider. (§ 730.6, subd. (h).)

Jose argues that because relocation expenses are not expressly addressed in section 730.6, an order requiring a minor to make restitution for such an expense must necessarily comply with the Penal Code's verification requirement. We disagree because the clear directive of section 730.6 to fully compensate victims for economic losses is sufficiently expansive in and of itself to encompass relocation expenses without resort to the adult restitution law. "Although subdivision (h) of section 730.6 lists certain categories of economic loss as providing an appropriate basis for a restitution order, it is not intended to be an inclusive list. The term 'economic loss' in the juvenile restitution statute must be given an expansive interpretation because any interpretation that limits a victim's rights to restitution would derogate the expressed intent and purposes of Article 1, section 28, and the provisions of the implementing statutes." (*M.W.*, *supra*, 169 Cal.App.4th at p. 5.)

M.W. was an appeal from a juvenile court order requiring the minor to pay victim restitution to a cousin against whom the minor committed a lewd act. (*M.W.*, *supra*, 169 Cal.App.4th at pp. 3–4.) The minor argued that because mental health services are recoverable under an express provision in Penal Code section 1202.4, the fact that "there is no equivalent identified recoverable loss in section 730.6" means that the Legislature did not authorize recovery costs for mental health services in a juvenile case. (*M.W.*, at p. 5.) Rejecting this contention, the court held that "the cost of mental health services is recoverable even though not specifically enumerated in section 730.6, subdivision (h)." (*Id.* at p. 6.) The court based its holding on

the expansive language of section 730.6, and the juvenile court's discretion "to order restitution to further the legislative objectives of making the victim whole, rehabilitating the minor, and deterring future delinquent behavior." (*M.W.*, at p. 6.) We agree with this reasoning, which reinforces our conclusion that relocation expenses are recoverable in this case pursuant to section 730.6, subdivision (h), not pursuant to Penal Code section 1202.4(f).

Jose relies on *In re S.E.*, *supra*, 46 Cal.App.5th 795, which involved a request by the California Victim Compensation Board (the board) for the minor to pay restitution expenses that had been incurred by the minor's victims and paid by the board. In granting the request, the juvenile court found that payment by the board out of the state's restitution fund established a presumption under Penal Code section 1202.4(f) that the victims' losses were directly related to the minor's conduct. (*S.E.*, at p. 801.) This was error, the appellate court found.

The *S.E.* court held that the evidentiary presumption in Penal Code section 1202.4(f) does not apply in juvenile wardship cases because restitution in juvenile proceedings is governed by section 730.6, which establishes no such presumption. (*S.E.*, *supra*, 46 Cal.App.5th at p. 806.) In reaching this conclusion, the court distinguished a line of cases that look to Penal Code section 1202.4(f) for guidance when determining the types of expenses that constitute economic damages under section 730.6, since the Penal Code provision contains a longer list of examples, and both statutes incorporate a broad mandate to compensate victims for economic losses. (*S.E.*, at pp. 807–808.) The *S.E.* court explained that an evidentiary presumption is substantively different from examples of recoverable expenses. The juvenile statute does not establish such a presumption and courts may not insert provisions that the legislative body omitted. In light of

the “multitudinous differences between adult criminal and juvenile proceedings,” the omission of an evidentiary presumption from the juvenile restitution statute was not a legislative oversight, the *S.E.* court found. (*Id.* at pp. 807–808.)

Jose argues that the *S.E.* court’s confirmation that Penal Code section 1202.4(f) is relevant when determining what expenses are recoverable in juvenile restitution orders reinforces Jose’s argument that relocation expenses must be verified by law enforcement or a mental health provider. We disagree. Penal Code section 1202.4(f)’s verification requirement is analogous to the evidentiary presumption discussed by the *S.E.* court, which implicates the broader functions of restitution and evidentiary standards of proof. This requirement does not apply in juvenile cases because it is not contained in the language of section 730.6, and in light of the multitude of differences between adult criminal and juvenile proceedings, we cannot conclude the omission was an oversight.

Indeed, importing the adult law’s procedural verification requirement into the juvenile law statute would impede the juvenile court’s broad discretion to determine appropriate rehabilitative and punitive measures for juvenile offenders. “The statutory scheme governing juvenile delinquency is designed to give the court ‘maximum flexibility to craft suitable orders aimed at rehabilitating the particular ward before it.’ [Citation.] Flexibility is the hallmark of juvenile court law, in both delinquency and dependency interventions.” (*In re Greg F.* (2012) 55 Cal.4th 393, 411.) Accordingly, the “‘juvenile court is vested with discretion to order restitution in a manner that will further the legislative objectives of making the victim whole, rehabilitating the minor, and deterring future delinquent behavior.’” (*In re Dina V.* (2007) 151 Cal.App.4th 486, 489–490, fn. 3.) In this case, for

example, the order to pay restitution for David’s relocation expenses was not only authorized under the broad language of section 730.6, but was also a proper exercise of the juvenile court’s discretion to fashion a disposition that would further Jose’s rehabilitation. As the court explained in its order, requiring Jose to recognize “the very grave trauma and ongoing harm his conduct inflicted on David” and to take responsibility for relocation expenses that were incurred as a result of his conduct would increase the likelihood that Jose would “come to understand the depth of harm his actions have inflicted on others.”

Jose mistakenly relies on *In re S.O.* (2018) 24 Cal.App.5th 1094. That case does not address the categories of expenses that may be recovered under section 730.6, but a materially different issue—whether the juvenile court has jurisdiction to order restitution for losses *beyond* those caused by the criminal conduct that brought the minor within the court’s jurisdiction. (*S.O.*, at p. 1096.) *S.O.* holds that although section 730.6, subdivision (h) limits the juvenile court’s statutory power to imposing restitution for losses caused by the minor’s charged criminal conduct when the minor receives a custodial sentence, the court may require a minor to pay restitution for uncharged conduct when the minor is placed on probation. (*S.O.*, at pp. 1098–1100.) In reaching this conclusion, the *S.O.* court observed that in both adult criminal and juvenile matters, the purpose of probation is to foster rehabilitation, which gives courts broader discretion with respect to the scope of restitution when ordered as a probation condition. (*Id.* at pp. 1100–1101.)

S.O. has no application here, where Jose received a custodial sentence and was ordered to pay restitution for damages caused by the criminal conduct that subjected him to the juvenile court’s jurisdiction. Ignoring these facts, Jose cites *S.O.* for the proposition that rehabilitation is irrelevant

unless the minor is placed on probation. *S.O.* does not support this proposition; the *S.O.* court's observation that rehabilitation is an important goal of probation does not mean rehabilitation is irrelevant in other contexts. Jose's suggestion to the contrary is unsupported by reasoned analysis or any authority. (See *In re Edward C.* (2014) 223 Cal.App.4th 813, 825 [goal of juvenile delinquency law is rehabilitation]; see *id* at p. 826 [citing cases that address when a juvenile " 'may serve time for purposes of rehabilitation' "].)

III. Issues Pertaining to Calculation of Economic Losses

Jose contends the juvenile court abused its discretion by failing to articulate the method used to calculate David's moving expenses and Lisa's lost wages, and that the error was prejudicial because these expenses are not supported by substantial evidence.

" 'At the core of the victim restitution statutory scheme is the mandate that a victim who suffers economic loss is entitled to restitution and that the restitution is to be "based on the amount of loss claimed by the victim." ' " (*People v. Superior Court (Lauren M.)* (2011) 196 Cal.App.4th 1221, 1226.) A victim seeking restitution " 'initiates the process by identifying the type of loss . . . sustained and its monetary value.' " (*Ibid.*) He or she has the initial burden to provide an "adequate factual basis" for the claim. (*People v. Giordano* (2007) 42 Cal.4th 644, 664.) Once the victim makes this prima facie showing, " 'the burden shifts to the defendant to disprove the amount of losses claimed by the victim.' " (*Lauren M.*, at p. 1226.)

Applying these principles, we affirm the juvenile court's findings that Lisa K.'s victim impact statement and testimony at the contested hearing establish an adequate factual basis for David's restitution claim. Jose had ample notice of the amounts being requested and the basis for seeking

restitution, and yet he provided no evidence to disprove the amount of losses claimed by David.

Jose contends Lisa's testimony was insufficient as a matter of law to establish the amounts spent because there was no documentation establishing that Lisa's estimates of her moving expenses and lost wages were accurate. As support for this contention, Jose cites *People v. Vournazos* (1988) 198 Cal.App.3d 948. In that case, an adult defendant convicted of unlawful taking of a vehicle was required to pay restitution as a condition of his probation. The restitution order was based on testimony by the probation officer that the defendant should pay just over \$2,000 based on the victim's statement of loss, but under cross-examination, the officer acknowledged that the victim had not responded to requests for proof of the losses claimed. (*Id.* at pp. 952–953.) The probation order was affirmed on appeal, but the matter was remanded to determine the amount of replacement or repair costs the victim could recover under Penal Code section 1203.04, subdivision (d). (*Id.* at pp. 958–959.)

Vournazos is not controlling because it addresses the standard for proving economic losses under a provision of the adult restitution statute that pertains to lost or stolen property, whereas Jose is challenging a juvenile court order requiring him to pay restitution for relocation expenses and lost wages. We also note that *Vournazos* has been criticized by courts which hold that a probation officer's testimony and victim loss statement are sufficient prima facie proof of the value of stolen or damaged property. (See e.g. *People v. Gemelli* (2008) 161 Cal.App.4th 1539, 1543; *In re S.S.* (1995) 37 Cal.App.4th 543, 546–547.) In any event, the aspect of the evidentiary showing that troubled the *Vournazos* court did not occur here. Lisa K. testified at the contested hearing and explained how she calculated expenses

requested in the victim impact statement. She calculated moving expenses based on items purchased to make David comfortable, and the cost of a moving truck and gas. She calculated lost wages based on the time she took off work. The juvenile court fully credited Lisa's testimony. (See *Gemelli*, at p. 1545 [deferential review particularly important when trial court's finding "depends in part on judging a witness's credibility"].)

Jose contends that even if Lisa's testimony is credited, the \$1,000 for moving expenses and the \$2,000 for lost wages are not supported by substantial evidence because Lisa did not breakdown the costs of items included within these figures. Jose cites no authority requiring such a breakdown. "[I]n the restitution context it is not necessary to determine the damages which might be recoverable in a civil action. '[W]hile the amount of restitution cannot be arbitrary or capricious, "there is no requirement the restitution order be limited to the exact amount of the loss for which the defendant is actually found culpable." ' " (*In re Brittany L.* (2002) 99 Cal.App.4th 1381, 1391.) Instead, "the court may use any rational method of fixing the amount of restitution, provided it is reasonably calculated to make the victim whole, and provided it is consistent with the purpose of rehabilitation." In doing so " " "[s]entencing judges are given virtually unlimited discretion as to the kind of information they can consider and the source from whence it comes.' " " (*Id.* at pp. 1391–1392.) And, of course, Jose had the opportunity, through counsel, to cross-examine Lisa K. at the restitution hearing, to the extent he wanted more details.

DISPOSITION

The restitution order is affirmed.

TUCHER, P.J.

WE CONCUR:

FUJISAKI, J.
RODRÍGUEZ, J.

In re Jose C. (A65110)